

# **Plaintiffs' Exhibit 189**

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES, et al., )  
                          )  
                          )  
Plaintiffs,           )                          No. 1:23-cv-00108-LMB-JFA  
                          )  
v.                     )  
                          )  
GOOGLE LLC,           )  
                          )  
                          )  
Defendant.           )

**DECLARATION OF EVAN R. TIMMENS**  
**IN SUPPORT OF PLAINTIFFS' OPPOSITION TO**  
**GOOGLE'S MOTION FOR SUMMARY JUDGEMENT**

Evan R. Timmens, pursuant to 28 U.S.C. § 1746 hereby declares as follows:

1. I am over 21 years old and am competent to testify about the matters in this

Declaration based on my personal knowledge.

2. I am Evan R. Timmens, Acquisitions Manager, Business Management

Directorate, at the Army Enterprise Marketing Office, US Army, and submit this Declaration in support of Plaintiffs' Opposition to Google's Motion for Summary Judgment.

3. The Army is contractually obligated to reimburse at cost all payments made by

DDB (i.e., "Team DDB" (including OMD)) to execute approved ad purchases on behalf of the Army.

4. Beyond purchasing advertising, DDB also provides other advertising services,

which are compensated separately from advertising purchases.

5. In coordination with DDB, the Army develops and approves media plans, which

authorize DDB to execute advertising purchases on the Army's behalf, in accordance with those media plans.

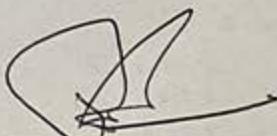
6. The discretion afforded to DDB is limited to that authorized and approved by an Army media plan, and DDB works closely with the Army to effectuate the Army's goals and decisions.

7. The exhibit beginning with Bates number ARMY-ADS-0000245462 is a true and correct copy of an excerpt of the Army's advertising contract with DDB showing that media services are compensated differently than media buys.

8. The exhibit beginning with Bates number ARMY-ADS-0000336340 is a true and accurate copy of a FY 2022 media plan and cover email.

9. The exhibits discussed above were made and kept in the ordinary course of the Army's business, and making and keeping these documents was a regular practice of the Army's business.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 17, 2024.

Signed: 

EVAN R. TIMMENS

Cook County, Illinois